

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dodson et al.	§
	§ Group Art Unit: 2131
Serial No. 10/631,066	§
	§ Examiner: Revak, Christopher A.
Filed: July 31, 2003	§
	§ Confirmation No.: 3527
For: Method and Apparatus for	§
Authenticated Network Address	§
Allocation	

**Commissioner for Patents
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35525
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

REPLY BRIEF (37 C.F.R. 41.41)

This Reply Brief is submitted in response to the Examiner's Answer mailed on December 20, 2007.

No fees are believed to be required to file a Reply Brief. If any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

RESPONSE TO EXAMINER'S ANSWER

Examiner Answer Page 11, Section A.2

The Examiner questions “What constitutes being “in” the data processing system?”

Response:

Per the American Heritage Desk Dictionary, Houghton Mifflin Company, Copyright 1981, “in” means “within the confines of”; “inside”. Thus, per the features of Claim 21, the computer program product is inside or within the confines of the data processing system – and thus is not ‘just software’, as alleged.

Examiner Answer Page 12, Section B.1 (Privileged Address)

The Examiner asserts that “privileged address” is not defined in the Specification.

Response:

Appellants urge that to the contrary, such term is defined in the Specification at page 3, lines 8-10 and page 12, lines 1-5. This is also contrasted with “standard address” at page 12, lines 17-23 – and such standard addresses are what are used pursuant to the Jin teachings (Jin col. 2, lines 34-45).

Examiner Answer Page 13, Section B.1 (Authentication)

The Examiner describes two scenarios of Jin – the first being certain steps that are taken if a user is authenticated, and the second being certain steps that are taken if a user is authorized.

Response:

Neither of these two scenarios described any processing/actions that occur if a user is not *authenticated*, as recited in Claim 1.

Examiner Answer Page 14, Section B.2

The Examiner states that the rejection of Claim 3 was a typographical error.

Response:

Claim 3 continues to be rejected under 35 USC 102 in the Examiner’s Answer (see, e.g., page 4, paragraph 4 of such Examiner Answer). Thus, the Examiner themselves admits that this

rejection of Claim 3 under 35 USC 102 is erroneous.

Examiner Answer Page 14, Section C.1

The Examiner takes issue that Appellants did not timely rebut the Official Notice assertion.

Response:

The point of Appellants' arguments with respect to Claim 6 is not whether or not something was well-known, but instead such arguments are directed to pointing out that an improper test of obviousness is being applied using such well-known assertion.

Examiner Answer Pages 15-17, Section D.1 (Message/Entity Authentication)

The Examiner notes that Appellants make a distinction between message authentication and entity authentication, and yet the present claims do not make such distinction.

Response:

This distinction was identified because this cited reference teaches these two types of authentication (message and entity), and the cited passage used in the claim rejection is with respect to message authentication (and not entity authentication). This is important because in an entity authentication such as the described in this cited passage, there is *no need to include or provide an address* - and Claim 7 does in fact expressly recite "providing an *address* to the client". Thus, this message/entity authentication distinction was made to establish that this cited passage did not teach/suggest the claimed *address* provision - and was not made to allege the reference teaches one type of authentication and Appellants claim a different type of authentication.

Examiner Answer Pages 15-17, Section D.1 (Server-side)

The Examiner notes that Appellants argue "server-side" verification and yet the claims do not include such terminology.

Response:

The Examiner is correct. The point of this discussion was to differentiate from the client-side authentication that is also recited in the claim. To be more technically accurate, Appellants should have instead used the terminology of "authentication verification" (in lieu of "server-side authentication") to differentiate from the additional claimed features pertaining to client-side authentication ("determining, by the client, whether the offer is authenticate").

Examiner Answer Pages 17, Section E.1

The Examiner alleges that Bahl teaches “privileged address being a static IP address”.

Response:

None of the cited references contemplate usage of static IP addresses *during or as a result of authentication*. Thus, the only reason for making the Jin/Bahl combination must be coming from Appellants’ own disclosure and claims, which is impermissible hindsight analysis. The only motivation provided by the Examiner for modifying Jin in accordance with Bahl is a gratuitous citation to Bahl itself describing what a static IP address is. There is no tie-in of this Bahl description with the Jin teachings, or why a person of ordinary skill in the art would have been motivated to modify Jin in accordance with the teachings of Bahl¹.

It is further urged that a person of ordinary skill in the art would not have been motivated to modify the teachings of Jin to provide static IP addresses as a result of authentication for the following reasons:

(1) Jin is specially directed to a system that does not require the NAS server or the AAA server to be modified (Jin col. 3, lines 29-42; col. 4, lines 41-43), and modifying the teachings of Jin would in fact require one or the other of these servers to be modified as these servers are the ones that provide an IP address (Jin. col. 5, lines 1-39) – thus, such a modification would directly contradict one of the underlying and fundamental premises upon which Jin is based.

(2) Because Jin must accommodate a situation where the AAA server does not assign an authenticate IP address, which instead gets assigned by the NAS server (Jin col. 5, lines 22-28) – and which requires an interim assignment of a dummy IP address by the SSG server to accommodate this situation (Jin col. 5, lines 11-20) – it is not seen how it would even be possible to assign a static IP address that is identical to a previous address that was previously provided to the client due to Jin’s requirement of having multiple different servers assign an IP address to a user and coordinate such IP assignment to each of the other servers (AAA server, SSG server, NAS server), as described at Jin col. 5, lines 1-49.

¹ “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” (*In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006)).

Thus, when considering the KSR guidelines re:obviousness², it is urged that a person of ordinary skill in the art would not have been motivated to modify the Jin teachings to include static IP addresses as a result of authentication, as claimed, as *Jin is particularly keen on using original, un-modified NAS and AAA servers that are not modified* (Jin col. 4, lines 41-43), and these are the very servers that provide genuine IP addresses and thus would in fact have to be modified to achieve the presently claimed invention - in direct contradiction to Jin's expressed desires. In addition, it is not seen how such modification could even be made while maintaining Jin's dual-server IP address assignment capability to provide client-transparency, as described above.

CONCLUSION

In conclusion, Appellants have shown numerous and substantial error in the final rejection of all pending claims, and thus respectfully requests that the Board reverse such improper final rejection of all such claims.

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² KSR Int'l v. Teleflex, Inc., 550 U.S. ____ 82 USPQ2d 1385 (2007).